REMARKS

Claims 1-20 are currently pending in the present application. The disclosure was objected to because the full form of ISU was not recited. The Applicants have amended the specification as noted above to overcome this objection. No new matter has been added.

Claims 1-4, 6-12, and 14-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,424,996 ("Killcommons") in view of United States Patent No. 6,317,743 ("Heck"). Claims 5 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Killcommons in view of Heck and Computer Dictionary, Third Edition, Microsoft Press, 1997, page 462. The Applicants respectfully traverse these rejections at least for the reasons discussed previously during prosecution and the following:

I. The Final Rejection Is Premature

The Applicants respectfully submit that the finality of the present office action is premature. The Manual of Patent Examining Procedure discusses when a final rejection is proper:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement....

See MPEP at 706.07(a). The present office action responds to the Amendment filed by the Applicants on January 19, 2005. In that Amendment, the Applicants did not amend independent claims 1 and 9. Instead, the Applicants merely added new claims 17 and 18, which depend from claim 1, and new claims 19 and 20, which depend from claim 9. *See* 1/19/2005 Amendment.

The present office action, however, introduces a new ground of rejection with respect to independent claims 1 and 9 (as being unpatentable over Kilcommons in view of Heck). This rejection is different than that set forth in the January 12, 2005 Office Action. The Applicants did

not amend either claim 1 or claim 9 in response to the January 12, 2005 Office Action (thus, the new grounds of rejection with respect to these claims could not have been necessitated by an amendment by the Applicants); nor did the Applicants file an information disclosure statement after that Office Action. Thus, pursuant to the Manual of Patent Examining Procedure, the Applicants respectfully submit that the finality of the present office action is premature and request reconsideration thereof.

II. The Combination Of Kilcommons And Heck Does Not Render The Pending Claims Of The Present Application Unpatentable

The Applicants first turn to the rejection of claims 1-4, 6-12, and 14-20 under 35 U.S.C. 103(a) as being unpatentable over Killcommons and Heck. Kilcommons discloses a browser enhancement module and a server. *See* Kilcommona at Abstract. "The server includes a data interface for acquiring the multimedia data and a storage unit for receiving and storing the data. An assembly unit in the server gathers selected data to form an e-mail package in response to instructions from a remote user unit." *Id.*

Kilcommons, however, does not teach, nor suggest, a "second interface unit located at a second location and arranged to store second stored image data of the second patient on the second image storage unit in response to the second imaging data **and to store second stored identification data on the server located at the first location in response to the second identification data**," as recited, for example, in claim 1 of the present application. Instead, Kilcommons discloses **a server** that is adapted to store **multimedia medical data** (e.g., parameter and/or clinical data)...." *See id.* at column 3, lines 59-62. *See also id.* at column 4, lines 19-22 ("multimedia medical data [is] stored by the server...."); column 4, lines 61-62 ("the server having stored therein medical files containing multimedia medical data"); column 5, lines 10-13.

While Kilcommons discloses "multimedia data" that is stored on a server, Kilcommons does not teach, nor suggest, that image data is stored at a second interface unit stored at a second location **and** identification data is stored at a server at the first location. Again, claim 1 of the present application recites a "second interface located at a second location." The second interface unit is "arranged to store second stored **image data** of the second patient on the second image storage unit." The second stored image data is stored "in response to the second imaging data." Further, the second interface unit is also arranged to "**store second stored identification data on the server located at the first location in response to the second identification data**." So, while second stored image data is stored on the second image storage unit, the second stored identification data is stored at the server, which is separately located from the second interface unit."

Kilcommons, however, does not teach or suggest, storing second stored **image data** at the **second image storage unit**, and storing the second stored **identification data** at the **server**, which is at a separate location than the second interface unit." As such, the Applicants respectfully submit that Kilcommons does not teach, nor suggest, a "second interface unit located at a second location and arranged to store second stored image data of the second patient on the second image storage unit in response to the second imaging data **and to store second stored identification data on the server located at the first location in response to the second identification data**," as recited, for example, in claim 1 of the present application.

Kilcommons does disclose that data may be sent from a user through the server.

> The user unit 50 may have components to optionally view, manipulate, store and/or print data configured by modality 16 or modality 12. The user unit may transfer such data to the server 20 and/or send the information to another user 80 through the server 20.

Id. at column 7, lines 6-10. Kilcommons does not, however, teach or suggest that identification data is stored at the server while the imaging data is stored at a separate location (e.g., at a second imaging storage unit located remote from the location in which the server is located). There is nothing in Kilcommons to suggest that when data is transferred from a user unit to another user unit through the server, that identification data is stored at the server, while the imaging data is stored at remote locations. For example, Kilcommons states that the "server 20 in information transfer system 10 is a computer system **that stores medical data** and is accessible through a network, e.g., the internet, an intranet, or an extranet." *Id.* at column 7, lines 53-55 (emphasis added).

Kilcommons does disclose that data may be stored at local hard drives.

> After viewing the image, the data may be saved to a local hard drive by save control 134, printed by the print control 136 and/or sent to another location via the server 20 by email control.

Id. at column 14, lines 64-67. However, Kilcommons does not teach that only image data is stored at the local hard drive, while the identification data is stored at the server 20.

Overall, Kilcommons does not teach, nor suggest, interface units arranged to store stored image data at image storage units, and which store identification data on a server that is separate and distinct from the image data storage units, as recited in claim 1. Similarly, Kilcommons does not teach, nor suggest, storing stored image data at image storage units in response to the imaging data and storing stored identification data at a separate location, such as a server, in response to the identification data, as recited in claim 9. Further, the Office Action concedes that image data is not inherently associated with identification data. *See* September 6, 2005 Office Action at page 2 ("Applicants' argument, see Remark on pages 12-14 regarding *Inherency under section II*, filed on January 24, 2005, have been fully *considered* and are *persuasive*.").

The Office Action also seemingly concedes that Killcommons does not teach these limitations. *See* September 6, 2005 Office Action at page 5 ("Killcommons does not explicitly disclose a first interface unit to store first stored identification data on the server located at the first location in response to the first identification data and a second interface unit to store second stored identification data on the server located at the first location in response to the second identification data."). To overcome this deficiency, the Office Action cites Heck at column 2, line 44 to column 3, line 50. This passage of Heck, however, does not teach or suggest storing image data at one location and identification data at a server. Instead, Heck discloses a system in which data may be stored at a server, but this passage of Heck does not teach or suggest that an image portion of that data is stored at one location, while an identification portion of that data is stored at a server at a different location.

Heck, for example, states network management information may be retrieved "from various locations in the network to a single location that servers as a management information server." *See* Heck at column 2, lines 45-50. This portion of Heck, however, does not teach or suggest that image data is stored at one location, while information data is stored at a server.

Heck also states the following:

> Typically, the servers include large-capacity mass storage devices which can store copies of programs and data which are available for retrieval by the client computers over the communication link 13 for use in their processing operations. From time to time, a client computer system 11(n) may also store data on the server computer 12, which may be later retrieved by it (the client computer that stored the data) or other client computers for use in their processing operations."

Heck at column 3, lines 32-40. Again, the cited portion of Heck does not teach, nor suggest, storing image data at one location, and identification location at a server in another location. Further, the

Office Action concedes that image data is not inherently associated with identification data. *See* September 6, 2005 Office Action at page 2 ("Applicants' argument, see Remark on pages 12-14 regarding *Inherency under section II*, filed on January 24, 2005, have been fully *considered* and are *persuasive*.").

Overall, neither Killcommons, nor Heck, teach or suggest a "second interface unit located at a second location and arranged to store second stored image data of the second patient on the second image storage unit in response to the second imaging data **and to store second stored identification data on the server located at the first location in response to the second identification data**," as recited, for example, in claim 1 of the present application. Thus, at least for this reason, the Applicants respectfully submit that the proposed combination of Killcommons and Heck does not render independent claims 1 or 9, or the claims that depend therefrom, unpatentable.

III. The Proposed Combination Of Killcommons And Heck Does Not Render Claims 17-20 Unpatentable

The Office Action states that "With regard to claim 17 Killcommons discloses first and second identification data including patient's name as seen in Figure 4...." *See* September 6, 2005 Office Action at page 7. However, claim 17 also recites that the first identification data includes "time of a first imaging, and circumstances of the first imaging, and wherein the second identification data includes .... time of a second imaging, and circumstances of the second imaging." Killcommons does not teach or suggest these additional limitations, nor has the Office Action attempted to cite anything relevant to these additional limitations. Thus, at least for this reason, the Applicants respectfully submit that claims 17 and 19 are not rendered unpatentable by the combination of Killcommons and Heck.

The Office Action also states that "With regard to claim 18 Killcommons discloses first and second identification data including identification number identifying the stored image data at col. 13, lines 30-40 by way of index numbers." *See id.* This portion of Killcommons, however, states the following:

> One set of manipulation elements 74 is screen control group for governing the manner in which data fills the screen. Any data format may be viewed, such as images, waveforms, etc. A number index allows the operator to select the number of data representations that occupy the screen. FIG 4. depicts twelve data representations in the form of radiology images 75 within UI page 73, by any number of representations may be selected.....

The Applicants respectfully submit, however, that the "number index" noted above merely "allows the operator to select the number of data representations that occupy the screen." The number index, however, does not necessarily relate to identification data that identifies stored image data. Instead, the number index merely allows an operator to select the number of images displayed on the screen. This portion of Killcommons does not teach or suggest "wherein the first identification data further includes a first identification number identifying the first stored imaging data, and wherein the second identification data further includes a second identification number identifying the second stored imaging data." Thus, at least for this reason, the Applicants respectfully submit that the combination of Killcommons and Heck does not render claims 18 and 20 unpatentable.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that pending claims of the present application define allowable subject matter. The Applicants respectfully request reconsideration of the claim rejections. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the

telephone number listed below. Please charge any additional fees or credit overpayment to Applicants' Deposit Account 07-0845.

Respectfully submitted,

Date: November 1, 2005

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